

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRIN LAPINE,

Plaintiff,

v.

JAMES ATTERBERRY, MARIANNE
SAMPER, and JOHN RUBITSCHUN,

Defendant.

Case No. 06-12634

Honorable Patrick J. Duggan

ORDER

At a session of said Court, held in the U.S.
District Courthouse, City of Detroit, County of
Wayne, State of Michigan, on September 25, 2006.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On June 15, 2006, Plaintiff filed a complaint against James Atterberry, Marianne Samper, and John Rubitschun, "Parole Board Members, In Their Official Capacity." On July 19, 2006, Defendants filed a motion to transfer venue to the Western District of Michigan. On September 5, 2006, this Court entered an Opinion and Order granting Defendants' motion to transfer. On September 6, 2006, a notice transferring the case to the Western District of Michigan was entered on the docket, and on September 11, 2006, the file reflects an acknowledgment from the Western District of receipt of the notice to transfer (see Docket Nos. #15 and #16).

On September 19, 2006, Plaintiff filed "Objections" to the transfer order, which were

dated September 13, 2006. These “Objections” assert various facts suggesting that venue was proper in this Court and therefore, the Court’s Opinion and Order transferring venue was in error. Plaintiff’s “Objections” conclude by asking this Court to “reconsider” or “rehear” its prior decision.

Plaintiff’s request to “rehear” or “reconsider” the Opinion and Order of September 5, 2006 must be denied. Despite the allegations set forth in Plaintiff’s “Objections,” the complaint names, and the allegations contained therein are against, three parole board members in their “official capacity.” Because these Defendants act in their “official capacity” as members of the Michigan Parole Board located in Lansing, Michigan, which is in the Western District, the Court’s Opinion and Order transferring venue was not in error.¹

This case has now been transferred to the Western District.² All further pleadings including any motions to amend the complaint must be filed in the Western District and heard by the court to whom this case is assigned.

¹Defendants contend that all Defendants reside in Lansing, Michigan, which is located in the Western District (Defendants’ Motion to Transfer Venue filed 7/19/06 at 2).

²It is questionable whether this Court even has jurisdiction to enter this Order. However, the Court is issuing this order so that the Plaintiff will be aware of the disposition of his “Objections.”

SO ORDERED.

PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Darrin LaPine, #305535
Ojibway Correctional Facility
N5705 Ojibway Rd.
Marenisco, MI 49947

Diane Smith, Esq.